

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE PAYMENT CARD
INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION

This Document Applies to:

Hobby Lobby Stores, Inc., et al. v. Visa, Inc., et al., No. 15-cv-04606 (E.D.N.Y.) (MKB) (JO).

No. 05-md-01720 (MKB) (JO)

PLAINTIFFS' STIPULATION AND
ORDER OF DISMISSAL WITHOUT
PREJUDICE OF ALL CLAIMS

WHEREAS all plaintiffs ("Plaintiffs") in *Hobby Lobby Stores, Inc., et al. v. Visa, Inc., et al.*, No. 15-cv-04606 (E.D.N.Y.) (MKB) (JO), which action is included in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 1:05-md-01720 (E.D.N.Y.) (MKB) (JO) ("MDL 1720"), by and through their undersigned counsel, hereby stipulate and agree, pursuant to Federal Rule of Civil Procedure 41(a), that the Plaintiffs' claims and action against all of the defendants in the *Hobby Lobby Stores* action (Visa U.S.A. Inc., Visa International Service Association, Visa Inc., MasterCard International Incorporated, and MasterCard Incorporated) be dismissed without prejudice to pursue Plaintiffs' claims as members of any litigation or settlement class in MDL 1720, and with each side to bear its own attorneys' fees and costs.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The claims and action of the Plaintiffs be, and hereby are, dismissed without prejudice, with each side to bear its own attorneys' fees and costs.

2. In the event that any of the Plaintiffs refiles any action that relates to the subject matter of claims asserted in MDL 1720, the Plaintiff will file that action in federal court and will consent to, and not oppose, the inclusion of that action in MDL 1720 (if the action is filed in this Court) or the transfer of that action to MDL 1720 for coordinated or consolidated pre-trial proceedings (if the action is filed in any other federal court). Defendants will not assert as to such a refiled action a statute of limitations defense based on the pendency of this action or its dismissal.

Dated: October 10, 2017

Respectfully submitted,

**McAFEE & TAFT A PROFESSIONAL
CORPORATION**

By: 

John A. Kenney
Jeremiah Buettner
10th Floor, Two Leadership Sq.
211 N. Robinson
Oklahoma City, OK 73102
(405) 235-9621
john.kenney@mccafeetaft.com
jeremiah.buettner@mccafeetaft.com

*Attorneys for Plaintiffs in the Hobby Lobby
Stores Action*

**ARNOLD & PORTER KAYE SCHOLER
LLP**

By: Robert C. Mason
Robert C. Mason
250 West 55th Street
New York, NY 10019
(212) 836-8000
robert.mason@apks.com

Robert J. Vizas
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111
(415) 471-3100
robert.vizas@apks.com

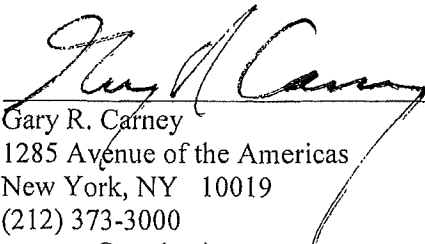
Mark R. Merley
Matthew A. Eisenstein
601 Massachusetts Avenue, NW
Washington, DC 20001
(202) 942-5000
mark.merley@apks.com
matthew.eisenstein@apks.com

HOLWELL SHUSTER & GOLDBERG LLP

Michael S. Shuster
Demian A. Ordway
750 Seventh Avenue, 26th Floor
New York, NY 10019
(646) 837-5151
mshuster@hsgllp.com
dordway@hsgllp.com

*Attorneys for Defendants Visa U.S.A. Inc., Visa
International Service Association, and Visa Inc.*

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

By: 
Gary R. Carney
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3000
gcarney@paulweiss.com

Kenneth A. Gallo
2001 K Street, NW
Washington, DC 20006
(202) 223-7300
kgallo@paulweiss.com

*Attorneys for Defendants MasterCard
Incorporated and MasterCard International
Incorporated*

SO ORDERED:

Dated:

October 10, 2017

Brooklyn, New York

s/ Margo K. Brodie

United States District Judge